

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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SHERI LEE DELARUELLE,

Petitioner,

v.

Case No. 07-CV-1097

STATE OF WISCONSIN,

Respondent.

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**ORDER**

On January 8, 2008, petitioner Sheri Lee Delaruelle (“Delaruelle”) filed a letter requesting information regarding the appointment of counsel to represent her in this habeas action. Indigent civil litigants have no constitutional or statutory right to be represented by counsel in federal court. *Jackson v. County of McLean*, 953 F.2d 1070, 1071 (7th Cir. 1992). Nonetheless, the court has discretion to appoint such counsel pursuant to 28 U.S.C. § 2254(h). Before appointing counsel, the court will initially consider whether an indigent civil litigant has made reasonable efforts to retain counsel. *Jackson*, 953 F.2d at 1072. A district court properly exercises its discretion to appoint counsel to a pro se petitioner “if, given the difficulty of the case and the litigant’s ability, [the petitioner] could not obtain justice without an attorney, [she] could not obtain a lawyer on [her] own, and [she] would have . . . a reasonable chance of winning with a lawyer at [her] side.” *Winsett v. Washington*, 130 F.3d 269, 281 (7th Cir. 1997) (citing *Forbes v. Edgar*, 112 F.3d 262, 264 (7th Cir. 1997)).

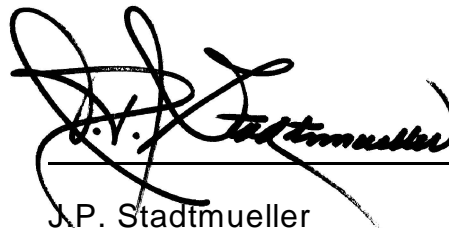
Here, construing Delaruelle's letter as a request for counsel, Delaruelle does not demonstrate that she has made a reasonable effort to retain counsel in this case, and a review of the materials Delaruelle prepared in support of her petition does not show that she is incapable of adequately representing herself in this case. Delaruelle is free to file a motion for appointment of counsel addressing the requirements set forth above.

Accordingly,

**IT IS ORDERED** that the petitioner's letter request for the appointment of counsel (Docket #6) be and the same is hereby **DENIED** without prejudice.

Dated at Milwaukee, Wisconsin, this 15th day of January, 2008.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller  
U.S. District Judge